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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

The Church of the Eagle and the Condor, *et al.*,

Case No. 2:22-cv-01004-PHX-SRB

Plaintiffs,

V.

Merrick Garland, et al.,

#### Defendants.

**MOTION FOR LEAVE TO FILE  
OPPOSITION TO PLAINTIFFS'  
“MOTION TO INCORPORATE”**

Defendants are in receipt of Plaintiffs' latest filing, captioned as a "motion to incorporate settlement agreement in order and for retention of jurisdiction." Dkt. 70. This motion is procedurally improper and substantively frivolous, and Defendants provide notice to this Court of their intent to oppose it. Plaintiffs have, in effect if not in name, embedded within their latest filing a motion for reconsideration of the denial of their motion for fees. Defendants are mindful of this Court's rule that "[n]o response to a motion for reconsideration and no reply to the response may be filed unless ordered by the Court." L.R. 7.2 (g)(2). Defendants are also mindful of wasting judicial resources. But given the unusual posture of

1 Plaintiffs' filing, and the number of improper assertions contained therein, Defendants seek  
2 an opportunity to respond and clarify the record.

3 To that end, Defendants seek leave of Court to oppose Plaintiffs' motion. Plaintiffs  
4 did not confer with Defendants regarding their motion to incorporate or any potential briefing  
5 schedule. Counsel of record will be on pre-scheduled leave and out of the office from  
6 August 16 through August 26, 2024. As such, if the Court grants leave to file a response,  
7 Defendants would be prepared to file such an opposition on September 9, 2024. Defendants  
8 do not oppose an opportunity for Plaintiffs to reply in kind.

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10 Respectfully submitted this 13<sup>th</sup> day of August, 2024.

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16 */s/ Giselle Barcia*  
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